

REMARKS

By this Amendment, claim 1 is amended to merely clarify the recited subject matter and overcome the rejection under 35 U.S.C. 112, second paragraph. Claims 1-9, 11 and 12 are pending.

The Office Action rejected claims 1-9, 11 and 12 under 35 U.S.C. 103(a) as being obvious from the teachings of Rhodes (U.S. 5,909,437), Laham (U.S. 6,442,372) and Treatch (U.S. 5,989,382). Applicant traverses the rejection because the cited prior art fails to disclose teach or suggest all the features recited in the rejected claims and one of ordinary skill in the art would not have combined the teachings of the cited prior art in the manner alleged by the Office Action without impermissibly looking to Applicant's specification for motivation.

The Office Action acknowledged that both Laham and Rhodes fail to disclose, teach or suggest a solution where a repeater is wirelessly controlled to change the frequency channels used by the transmitter and repeater. However, the Office Action erroneously asserted that Treatch remedies the deficiencies of Latham and Rhodes and that one of ordinary skill in the art would have looked to Treatch to provide such a repeater.

Nevertheless, Treatch fails to remedy the deficiencies of Latham and Rhodes because Treatch merely teaches a "system" 40 comprising three repeaters 43, 44 and 45. In practice this system is a unit with a common reception antenna 53, a common transmission antenna 49 and three agile repeaters 43 – 45, which are encapsulated together. Accordingly, Treatch teaches a single unit that includes an agile repeater that can be set to any channel in a band under remote control (see, Treatch, col. 3 lines 51-52) performed by a control computer 41 included in the unit (see, Treatch, col. 3 lines 60-62).

The single unit also includes a scanning receiver 51 that monitors activity in a propagation area to provide data to the control computer 41. The receiver 51 provides data to the computer 41 concerning transmissions in the area (see, Treatch, col. 4 lines 2-3). This data is used by the control computer to adjust the frequency channels used by the repeaters (col. 3 line 65 to col. 4 line 8).

However, the data provided to the computer 41 by the receiver 51 does not correspond the control signals transmitted from the claimed subscriber station management system via a radio path to the claimed control means of the subscriber station in response to which control signals the control means control and supervise the operation of the radio repeater such that the frequency channels received by the radio receiver and the frequency channels used by the radio transmitter change.

In fact, Treatch actually teaches away from the claimed invention by teaching that a repeater should be able to independently adjust the frequency channels used by its equipment without any outside control. Based on such teachings, one of ordinary skill in the art would not have been motivated to alter the combined teachings of Rhodes and Laham to provide the claimed invention, wherein a subscriber management system via a radio path transmits control signals to a subscriber station connected to a repeater such that the subscriber station changes the frequency channels used by the repeater.

Moreover, Applicant traverses the prior art rejection because one of ordinary skill in the art would not have recognized which features would need to be incorporated in what way from the teachings of the references or the prior art in general without impermissibly looking to Applicant's own specification for hindsight analysis and motivation. Although Laham and Treatch both disclose radio repeaters, neither reference discloses a subscriber station which would be attached to a repeater and which in response to control signals received via a radio path would control the frequency channels used by the repeater.

Accordingly, for these reasons, the rejection of claims 1-9 and 11-12 is traversed and those claims are allowable. All rejections and objections having been addressed, Applicant asserts that the Application is in condition for immediate allowance. However, if anything further is necessary to place the application in condition for allowance, Applicant requests that the Examiner telephone Applicant's undersigned representative at the number listed below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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